

UNITED STATES PROBATION OFFICE
DISTRICT OF NEVADA
MEMORANDUM

RE: Jose Villanueva
CASE NO.: CR-S-03-0292-RCJ(PAL)

FILED / RECEIVED
U.S. DISTRICT COURT
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SUPERVISION REPORT
REQUEST FOR MODIFICATION OF RELEASE CONDITIONS

DEPUTY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

February 17, 2006

TO: THE HONORABLE ROBERT CLIVE JONES
U.S. District Judge

On August 2, 2006, the offender was sentenced to 37 months custody for Felon in Possession of a Firearm followed by a three (3) year term of supervised release. On February 15, 2006, supervised release commenced.

As a condition of supervised release, Villanueva shall participate in a program of testing for drug abuse as directed by the U.S. Probation Office. In light of the recent Ninth Circuit Court decision, United States v. Antonio D. Stephens, 2005 WL 2106158, filed September 2, 2005, the United States probation office is compelled to request a modification to the offender's drug testing condition. In summary, this ruling requires the district courts to determine the maximum number of drug tests to which an offender must submit while on supervised release. In response, the probation office is requesting that the Court modify Villanueva's conditions to establish the maximum number of drug tests that he would be subjected to at no more than eight per month. Attached is a waiver of hearing form signed by the offender to modify his conditions accordingly. Villanueva was explained his right to a hearing and the assistance of counsel, but waived those rights and agreed to the requested modification.

PRAYING THAT THE COURT WILL ORDER THAT CONDITIONS OF SUPERVISION BE MODIFIED TO INCLUDE DRUG TESTING AS REFLECTED ON THE ATTACHED WAIVER.

ORDER OF COURT: Supervision Modified

Considered and ordered this ____ day of
February, 2006, and ordered filed and
made a part of the records in the above case.

Robert Clive Jones
U.S. District Judge

Respectfully submitted,

Henry Stegman
United States Probation Officer

Date: February 17, 2006

Reviewed by:

James P. Perdue, Jr.
Supervising U.S. Probation Officer

UNITED STATES DISTRICT COURT

District of Nevada**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

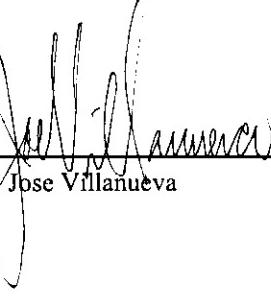
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Drug/Alcohol Testing** - You shall submit to drug/alcohol testing as directed by the probation officer not to exceed 104 tests per year.

Witness


U.S. Probation Officer

Signed


Jose VillanuevaFebruary 16, 2006

Date